



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

REGULATORY UPDATE

This information was prepared by NASA's Principal Center for Regulatory Risk Analysis and Communication (RRAC). An archive of regulatory alerts, summaries and other information is posted on the [website](#). If you have further questions and/or need assistance with this matter, please contact Sharon Scroggins/MSFC (256-544-7932, sharon.scroggins@nasa.gov).

Date [Citation]: 9 October 2007 [[72 FR 57222](#)]

Regulatory Agency: U.S. Environmental Protection Agency

Rulemaking Type: Final Rule

Subject: Perfluoroalkyl Sulfonates; Significant New Use Rule

Summary:

EPA is amending a significant new use rule (SNUR) under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) to include certain additional perfluoroalkyl sulfonate (PFAS) chemicals. Some of the typical uses for these materials include composite fibers, lubricants, surface and electronics coatings, high-strength and abrasion-resistant plastics, corrosion-resistant barrier layers, and corrosion/temperature resistant tubing and gasket materials.

On 10 March 2006 ([71 FR 12311](#)), EPA proposed to add 183 PFAS chemicals to the SNUR at [40 CFR 721.9582](#) by adding Table 3, which includes the PFAS chemicals currently on the public TSCA Inventory that are not already covered by the SNUR, to the rule. EPA indicates that the action is needed, given the similarity of these chemicals to those currently included in 40 CFR 721.9582 and the strong likelihood of similar health and environmental concerns. The chemicals included in Table 3 are listed in the final rule ([72 FR 57222](#)). This final rule is effective 8 November 2007.

This rule requires manufacturers, including importers, to notify EPA at least 90 days before beginning the manufacture or import of the PFAS chemicals listed in Table 3 of the regulation for the significant new uses that are described, on or after 8 November 2007. Section 5(a)(2) of TSCA mandates that EPA consider all relevant factors in its determination of whether a use of a chemical substance is a significant new use. Such factors include the following:

- The projected volume of manufacturing and processing of a chemical substance
- The extent to which the use changes the type or form of exposure of humans or the environment to a chemical substance
- The extent to which the use increases the magnitude and duration of exposure of humans or the environment to a chemical substance
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance

Significant uses are any manufacture or import for any use of the chemicals listed in Table 3 except for the following:

- Use as an anti-erosion additive in fire-resistant phosphate ester aviation hydraulic fluids.
- Use as a component of a photoresist substance, including a photo acid generator or surfactant, or as a component of an anti-reflective coating, used in a photomicrolithography process to produce semiconductors or similar components of electronic or other miniaturized devices.
- Use in coating for surface tension, static discharge, and adhesion control for analog and digital imaging films, papers, and printing plates, or as a surfactant in mixtures used to process imaging films.
- Use as an intermediate only to produce other chemical substances to be used solely for the first previous three uses.
- Use of: 1-Pentanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,5-undecafluoro-, potassium salt (CAS No. 3872-25-1); Glycine, N-ethyl-N-[(tridecafluorohexyl)sulfonyl]-, potassium salt (CAS No. 67584-53-6); Glycine, N-ethyl-N-[(pentadecafluoroheptyl)sulfonyl]-, potassium salt (CAS No. 67584-62-7); 1-Heptanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro-, ammonium salt (CAS No. 68259-07-4); 1-Heptanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,7-pentadecafluoro- (CAS No. 68957-62-0); Poly(oxy-1,2-ethanediyl), .alpha.-[2-[ethyl[(pentadecafluoroheptyl)sulfonyl]amino]ethyl]-.omega.-methoxy- (CAS No. 68958-60-1); or 1-Hexanesulfonic acid, 1,1,2,2,3,3,4,4,5,5,6,6,6-tridecafluoro-, compd. with 2,2'-iminobis[ethanol] (1:1) (CAS No. 70225-16-0) as a component of an etchant, including a surfactant or fume suppressant, used in the plating process to produce electronic devices.
- Use of tetraethylammonium perfluorooctanesulfonate (CAS No. 56773-42-3) as a fume or mist suppressant in metal finishing and plating baths. Examples of such metal finishing and plating baths include hard chrome plating; decorative chromium plating; chromic acid anodizing; nickel, cadmium, or lead plating; metal plating on plastics; and alkaline zinc plating.